

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

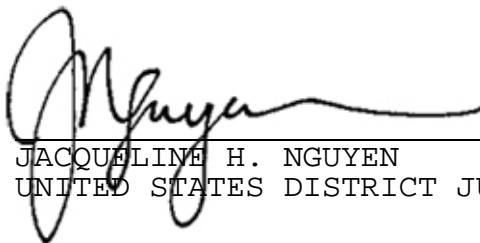
ANTHONY T. HEROD,)	CASE NO. CV 08-3257-JHN (PJW)
)	
Petitioner,)	
)	ORDER ACCEPTING REPORT AND
v.)	RECOMMENDATION OF UNITED STATES
)	MAGISTRATE JUDGE AND DENYING
LARRY SCRIBNER, WARDEN,)	CERTIFICATE OF APPEALABILITY
)	
Respondent.)	
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of United States Magistrate Judge and has considered *de novo* the portions of the Report as to which objections have been filed. The Court accepts the Magistrate Judge's Report and adopts it as its own findings and conclusions.

Further, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right and,

1 therefore, a certificate of appealability is denied. See Rules
2 Governing Section 2254 Cases in the United States District Courts,
3 Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*
4 *v. Cockrell*, 537 U.S. 322, 336 (2003).

5
6 DATED: March 16, 2011.

7
8
9 
JACQUELINE H. NGUYEN
UNITED STATES DISTRICT JUDGE